UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,400	04/20/2004	Chuanxiong Guo	MS1-1960US	4520

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EXAMINER
DAFTUAR, SAKET K

ART UNIT	PAPER NUMBER
2451	

MAIL DATE	DELIVERY MODE
11/06/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/828,400	GUO ET AL.
	Examiner	**Art Unit**	
	SAKET K. DAFTUAR	2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 September 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *21,23 and 25-30* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1 and 4-20* is/are allowed.

6)☒ Claim(s) *21,23,25, and 30* is/are rejected.

7)☒ Claim(s) *26-29* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Response to Amendment

1.   This office action is responsive to the amendment filed on September 2nd, 2008.

Claims 1, 4-21,23, and 25-30 are presented for the examination.

Response to Arguments

2.   Applicant's arguments filed September 2nd, 2008 have been fully considered but

they are not persuasive. As per arguments filed, applicant continues to argue that:

     a.   Hanson discloses one or more close peers in the peer-to-peer system,

wherein each said close peer has one of more neighbor peers (NP);storing one

identifier in memory for each of the one or more close peers; and storing an array

for each said close peer, wherein: each said array includes one [[of]] or more

entries; and each said entry: corresponds to one said NP; and includes an

identifier for the NP; wherein the first and second means are close peers one to

the other; when the IP address of the first means changes so as to cause a break

in an on going communication between the first and second means for longer

than a predetermined threshold, each of the first and second means further

comprises: means for addressing a message for transmission to each NP of

each close peer of the other of the first and second means for delivery of the

message thereto via each NP, wherein the message includes the changed [new

IP address] IP address thereof; and means for: receiving the message via the

NP; extracting the changed IP address of the other of the first and second means

from the message; and   resuming the on going communication using the

changed IP address of the other first and second means.

In response to applicant argument a), Hanson discloses one or more close

peers in the peer-to-peer system, wherein each said close peer has one of more

neighbor peers (NP) [peer system or peer host] (see column 24, lines 9-

35,column 25, line 10 – column 26, line 10);

storing one identifier in memory for each of the one or more close peers

(see column 24, lines 9-35,column 25, line 10 – column 26, line 10); and storing

an array for each said close peer (see column 24, lines 9-35,column 25, line 10 –

column 26, line 10), wherein: each said array includes one [[of]] or more entries;

and each said entry: corresponds to one said NP; and includes an identifier for

the NP (see column 24, lines 9-35,column 25, line 10 – column 26, line 10);

wherein the first and second means are close peers one to the other; when the

IP address of the first means changes so as to cause a break in an on going

communication between the first and second means for longer than a

predetermined threshold (see column 2,lines 17-28; column 3, line 57 – column

4, line 17; column, 15, line 49 – column 16, line 48), each of the first and second

means further comprises: means for addressing a message for transmission to

each NP of each close peer of the other of the first and second means for

delivery of the message thereto via each NP, wherein the message includes

the changed [new IP address] IP address thereof (see column 2,lines 17-28;

column 3, line 57 – column 4, line 17; column, 15, line 49 – column 16, line 48);

and means for: receiving the message via the NP (see column 2,lines 17-28;

column 3, line 57 – column 4, line 17; column, 15, line 49 – column 16, line 48;

column 26,lines 36-60); extracting the changed IP address of the other of the first

and second means from the message (see column 13, lines 31-39; column 18,

line 63 – column 20, line 23; column 24, lines 9-35,column 25, line 10 – column

26, line 10); and resuming the on going communication using the changed IP

address of the other first and second means (see column 2,lines 17-28; column

3, line 57 – column 4, line 17; column, 15, line 49 – column 16, line 48; column

18, line 63 – column 20, line 23; column 24, lines 9-35,column 25, line 10 –

column 26, line 10 column 26,lines 36-60).

Allowable Subject Matter

3.   Claims 1 and 4-20 are allowed.

4.   Claims 26-29 are objected to as being dependent upon a rejected base claim,

but would be allowable if rewritten in independent form including all of the limitations of

the base claim and any intervening claims.

5.   To solved remaining unresolved issue, on October 23[rd,] examiner has contacted

undersigned attorney Mr. Robert Hartman to propose examiner amendment to expedite

the prosecution, however, Mr. Hartman failed to provide such authorization and instead

request an office action based on current status of claimed invention.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7.   Claims 21, 23, 25 and 30 are rejected under 35 U.S.C. 102(b) as being

anticipated by Hanson et al. US Patent Number 6,546,425 B1 (hereinafter Hanson).

As per claim 21, Hanson discloses one or more close peers in the peer-to-

peer system, wherein each said close peer has one of more neighbor peers (NP)

[peer system or peer host] (see column 24, lines 9-35,column 25, line 10 –

column 26, line 10);storing one identifier in memory for each of the one or more

close peers (see column 24, lines 9-35,column 25, line 10 – column 26, line 10);

and storing an array for each said close peer (see column 24, lines 9-35,column

25, line 10 – column 26, line 10), wherein: each said array includes one [[of]] or

more entries; and each said entry: corresponds to one said NP; and includes an

identifier for the NP (see column 24, lines 9-35,column 25, line 10 – column 26,

line 10); wherein the first and second means are close peers one to the other;

when the IP address of the first means changes so as to cause a break in an on

going communication between the first and second means for longer than a

predetermined threshold (see column 2,lines 17-28; column 3, line 57 – column

4, line 17; column, 15, line 49 – column 16, line 48), each of the first and second

means further comprises: means for addressing a message for transmission to

each NP of each close peer of the other of the first and second means for

delivery_ of the message thereto via each NP, wherein the message includes

the changed [new IP address] IP address thereof (see column 2,lines 17-28;

column 3, line 57 – column 4, line 17; column, 15, line 49 – column 16, line 48);

and means for: receiving the message via the NP (see column 2,lines 17-28;

column 3, line 57 – column 4, line 17; column, 15, line 49 – column 16, line 48;

column 26,lines 36-60); extracting the changed IP address of the other of the first

and second means from the message (see column 13, lines 31-39; column 18,

line 63 – column 20, line 23; column 24, lines 9-35,column 25, line 10 – column

26, line 10); and resuming the on going communication using the changed IP

address of the other first and second means (see column 2,lines 17-28; column

3, line 57 – column 4, line 17; column, 15, line 49 – column 16, line 48; column

18, line 63 – column 20, line 23; column 24, lines 9-35,column 25, line 10 –

column 26, line 10 column 26,lines 36-60).

As per claim 23, Hanson discloses addressing a message for transmission

to each said NP when communication can not be made, after a predetermined

threshold, to the corresponding said close peer, wherein the message includes

the changed IP address (see column 2,lines 17-28; column 3, line 57 – column 4,

line 17; column, 15, line 49 – column 16, line 48); receiving the message;

extracting the changed IP address from the message (see column 2,lines 17-28;

column 3, line 57 – column 4, line 17; column, 15, line 49 – column 16, line 48;

and communicating with the corresponding said close peer using the changed IP

address (see column 2,lines 17-28; column 3, line 57 – column 4, line 17; column, 15, line 49 – column 16, line 48.

As per claim 25, Hanson discloses registering an identifier thereof with each of the close peers (see column 2,lines 17-28; column 3, line 57 – column 4, line 17; column, 15, line 49 – column 16, line 48; column 26,lines 36-60); and receiving an identifier for each of the NP of each of the close peers (see column 2,lines 17-28; column 3, line 57 – column 4, line 17; column, 15, line 49 – column 16, line 48; column 26,lines 36-60).

As per claim 30, Hanson discloses each said peer is selected from the group consisting of: a cellular telephone; a computing device having a wired connection to the peer to peer system (see Figure 1);and a computing device having a wireless connection to the peer to peer system(see Figure 1).

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a.   Mobile mesh Ad-Hoc Networking by Naghian et al. US Patent Number 6,879,574 B2.

b.   Method and System For Peer-to-Peer Wireless Communication over Unlicensed Communication Spectrum by Serpa et al. US Publication Number 2005/0169219 A1.

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Contact Information

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to SAKET K. DAFTUAR whose telephone number is

(571)272-8363. The examiner can normally be reached on 8:30am-5:00pm M-W.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. K. D./
Examiner, Art Unit 2451
/John Follansbee/ SPE 2451